

1 MARC J. FAGEL (Cal. Bar No. 154425)
2 MARK P. FICKES (Cal. Bar No. 178570)
3 (fickesm@sec.gov)
4 ROBERT L. TASHJIAN (Cal Bar. No. 191007)
5 (tashjianr@sec.gov)
6 ROBERT S. LEACH (Cal. Bar. No. 196191)
7 (leachr@sec.gov)
8 ERIN E. SCHNEIDER (Cal. Bar No. 216114)
9 (schneidere@sec.gov)

6 Attorneys for Plaintiff
7 SECURITIES AND EXCHANGE COMMISSION
8 44 Montgomery Street, Suite 2600
9 San Francisco, California 94104
Telephone: (415) 705-2500
Facsimile: (415) 705-2501

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13
14 SECURITIES AND EXCHANGE COMMISSION,
15 Plaintiff,
16 vs.
17 CARL W. JASPER,
18 Defendant.

Case No. CV 07-6122 JW

**DECLARATION OF ERIN E.
SCHNEIDER IN SUPPORT OF
SECURITIES AND EXCHANGE
COMMISSION'S MOTION FOR
SUMMARY JUDGMENT**

PART 1 OF 2, EXHIBITS 1-235, A-JJ

Date: November 9, 2009
Time: 9:00 a.m.
Location: Courtroom 8, Fourth Floor
Hon. James Ware

**DECLARATION OF ERIN E. SCHNEIDER
PART 1 OF 2, EXHIBITS 1-235, A-JJ**

I, ERIN E. SCHNEIDER, DECLARE:

I am an attorney duly admitted to practice in the State of California. I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify as follows:

1. I am a staff attorney in the San Francisco Regional Office of the Securities and Exchange Commission (“Commission”). I am one of the attorneys who had primary responsibility for the Commission’s investigation in the above-entitled matter before the Commission filed its complaint. I also am one of the attorneys responsible for litigating this matter. I have custody of the Commission’s investigation and litigation files concerning this matter, including the documents described below.

2. During the course of the Commission's investigation into Maxim Integrated Product Inc.'s ("Maxim") stock option practices, it learned that Orrick, Herrington & Sutcliffe, LLP ("Orrick"), counsel to the Special Committee of Maxim's Board of Directors, had engaged LECG, LLC ("LECG") to assist it with its investigation. The Commission also learned that LECG had acquired electronic data residing on certain of Maxim's shared and hard drives as well as email servers and backup tapes. In May 2009, I provided LECG with copies of 71 documents and asked it to provide information about whether an electronic version of the document existed, where it was found, when it was created, and who authored and/or modified it.

3. On or about July 20, 2009, the Commission received the Declaration of James Long (“Long Declaration”), a principal at LECG, describing the results of LECG’s work. A true and correct copy of the Long Declaration is attached hereto at Exhibit D. Exhibit C to the Long Declaration identifies the 71 documents provided to LECG by the Commission by an “SEC Tab No.” Certain of those 71 documents have been marked as deposition exhibits in this litigation, and are described below.

4. Attached as Exhibit 1 to this Declaration is a true and correct copy of Deposition Exhibit

1. Exhibit 1 bears Bates Numbers MXIM-SEC 993-1028.

5. Attached as Exhibit 2 to this Declaration is a true and correct copy of Deposition Exhibit 2. Exhibit 2 bears Bates Numbers MXIM-SEC 1031-1097.

1 6. Attached as Exhibit 3 to this Declaration is a true and correct copy of Deposition Exhibit

2 3. Exhibit 3 bears Bates Number MXIM-SEC 81030.

3 7. Attached as Exhibit 4 to this Declaration is a true and correct copy of Deposition Exhibit

4 4. Exhibit 4 bears Bates Numbers MXIM-SEC 82197-98.

5 8. Attached as Exhibit 6 to this Declaration is a true and correct copy of Deposition Exhibit

6 6. Exhibit 6 bears Bates Numbers BKH-SEC 454-456.

7 9. Attached as Exhibit 7 to this Declaration is a true and correct copy of Deposition Exhibit

8 7. Exhibit 7 bears Bates Numbers MXIM-SEC 88866-67.

9 10. Attached as Exhibit 8 to this Declaration is a true and correct copy of Deposition Exhibit

10 8. Exhibit 8 bears Bates Number JRB-SEC 11.

11 11. Attached as Exhibit 9 to this Declaration is a true and correct copy of Deposition Exhibit

12 9. Exhibit 9 bears Bates Number BKH-SEC 3970.

13 12. Attached as Exhibit 10 to this Declaration is a true and correct copy of Deposition

14 Exhibit 10. Exhibit 10 bears Bates Numbers JRB-SEC 12-13.

15 13. Attached as Exhibit 15 to this Declaration is a true and correct copy of excerpts of

16 Deposition Exhibit 15. Exhibit 15 is a true and correct copy of excerpts of Maxim's annual report on

17 Form 10-K for the year ended June 28, 2003.

18 14. Attached as Exhibit 18 to this Declaration is a true and correct copy of Deposition

19 Exhibit 18. Exhibit 18 bears Bates Numbers MXIM-SEC 22351-52.

20 15. Attached as Exhibit 24 to this Declaration is a true and correct copy of Deposition

21 Exhibit 24. Exhibit 24 bears Bates Numbers MXIM-SEC 017197-198. According to the Long

22 Declaration, LECG found an electronic version of this document; the "Data Source" for the document is

23 "Folder named CJasper on Maxim's Archive Back Tape Restore" and the "Author" is Carl Jasper. (Ex.

24 C to the Long Declaration at SEC Tab No. 1).

25 16. Attached as Exhibit 31 to this Declaration is a true and correct copy of Deposition

26 Exhibit 31. Although not evident from the copy of the exhibit provided to the Court, Exhibit 31 on the

27 back of the document bears Bates Numbers MXM SC SEC 63.

28

1 17. Attached as Exhibit 34 to this Declaration is a true and correct copy of Deposition
 2 Exhibit 34. Although not evident from the copy of the exhibit provided to the Court, Exhibit 34 on the
 3 back of the document bears Bates Numbers MXM SC SEC 189-90. According to the Long Declaration,
 4 LECG found an electronic version of this document; the “Data Source” for the document is “Folder
 5 named CJasper on Archive Back Tape Restore,” the “Date Created” is 1/4/00 and the “Author” is Carl
 6 Jasper. (Ex. C to the Long Declaration at SEC Tab No. 45).

7 18. Attached as Exhibit 36 to this Declaration is a true and correct copy of Deposition
 8 Exhibit 36. Although not evident from the copy of the exhibit provided to the Court, Exhibit 36 on the
 9 back of the document bears Bates Numbers MXM SC SEC 231-232. According to the Long
 10 Declaration, LECG found an electronic version of this document; the “Data Source” for the document is
 11 “Folder named CJasper on Archive Back Tape Restore,” the “Date Created” is 12/10/2001, and the
 12 “Author” is Carl Jasper. (Ex. C to the Long Declaration at SEC Tab No. 49).

13 19. Attached as Exhibit 39 to this Declaration is a true and correct copy of Deposition
 14 Exhibit 39. Exhibit 39 bears Bates Number MXM SC 36373.

15 20. Attached as Exhibit 41 to this Declaration is a true and correct copy of Deposition
 16 Exhibit 41. Exhibit 41 bears Bates Numbers MXIM-SEC 88264-297.

17 21. Attached as Exhibit 45 to this Declaration is a true and correct copy of Deposition
 18 Exhibit 45. Exhibit 45 bears Bates Numbers BKH-SEC 163-169.

19 22. Attached as Exhibit 49 to this Declaration is a true and correct copy of Deposition
 20 Exhibit 49. Exhibit 49 bears Bates Numbers AG MXIM 299-300.

21 23. Attached as Exhibit 52 to this Declaration is a true and correct copy of Deposition
 22 Exhibit 52. Exhibit 52 bears Bates Numbers AG-MXIM 100-101.

23 24. Attached as Exhibit 56 to this Declaration is a true and correct copy of Deposition
 24 Exhibit 56. Exhibit 56 bears Bates Numbers MXM SC 29069-70. According to the Long Declaration,
 25 LECG found an electronic version of this document; the “Data Source” for the document is “Candy
 26 Beers Custodian Computer” and the “Date Created” is 8/22/2003. (Ex. C to the Long Declaration at
 27 SEC Tab No. 19). Candy Beers (now Candy Flett) served as Jack Gifford’s assistant from March of
 28

1 1999 through at least January 2007. Attached as Exhibit FF to this Declaration is a true and correct copy
2 of an excerpt of Candace Flett's deposition transcript. (Flett Tr. at 9:19-10:24).

3 25. [Paragraph Not Used]

4 26. Attached as Exhibit 59 to this Declaration is a true and correct copy of Deposition
5 Exhibit 59. Although not evident from the copy of the exhibit provided to the Court, Exhibit 59 on the
6 back of the document bears Bates Number MXM SC SEC 64.

7 27. Attached as Exhibit 60 to this Declaration is a true and correct copy of Deposition
8 Exhibit 60. Although not evident from the copy of the exhibit provided to the Court, Exhibit 60 on the
9 back of the document bears Bates Number MXM SC SEC 60. According to the Long Declaration,
10 LECG found an electronic version of this document; the "Data Source" for the document is "Folder
11 named CJasper on Archive Back Tape Restore," the "Date Created" is 4/22/2002, the "Date Last
12 Printed" is 4/23/2002, and the "Author" is Carl Jasper. (Ex. C to the Long Declaration at SEC Tab No.
13 59).

14 28. Attached as Exhibit 61 to this Declaration is a true and correct copy of Deposition
15 Exhibit 61. Although not evident from the copy of the exhibit provided to the Court, Exhibit 61 on the
16 back of the document bears Bates Number MXM SC SEC 56. According to the Long Declaration,
17 LECG found an electronic version of this document; the "Data Source" for the document is "Folder
18 named CJasper on Archive Back Tape Restore," the "Date Created" is 12/28/2001, and the "Author" is
19 Carl Jasper. (Ex. C to the Long Declaration at SEC Tab No. 58).

20 29. Attached as Exhibit 64 to this Declaration is a true and correct copy of Deposition
21 Exhibit 64. Although not evident from the copy of the exhibit provided to the Court, Exhibit 64 on the
22 back of the document bears Bates Number MXM SC SEC 195. According to the Long Declaration,
23 LECG found an electronic version of this document; the "Data Source" for the document is "Folder
24 named CJasper on Archive Back Tape Restore," the "Date Created" is 2/16/00, the "Date Last Printed"
25 is 2/17/00, and the "Author" is Carl Jasper. (Ex. C to the Long Declaration at SEC Tab No. 47).

26 30. Attached as Exhibit 67 to this Declaration is a true and correct copy of Deposition
27 Exhibit 67. Although not evident from the copy of the exhibit provided to the Court, Exhibit 67 on the
28 back of the document bears Bates Number MXM SC SEC 87. According to the Long Declaration,

1 LECG found an electronic version of this document; the “Data Source” for the document is “Folder
 2 named CJasper on Archive Back Tape Restore.” (Ex. C to the Long Declaration at SEC Tab No. 70).

3 31. Attached as Exhibit 68 to this Declaration is a true and correct copy of Deposition
 4 Exhibit 68. Although not evident from the copy of the exhibit provided to the Court, Exhibit 68 on the
 5 back of the document bears Bates Number MXM SC SEC 88. According to the Long Declaration,
 6 LECG found an electronic version of this document; the “Data Source” for the document is “Folder
 7 named CJasper on Archive Back Tape Restore.” (Ex. C to the Long Declaration at SEC Tab No. 71).

8 32. Attached as Exhibit 69 to this Declaration is a true and correct copy of Deposition
 9 Exhibit 69. Although not evident from the copy of the exhibit provided to the Court, Exhibit 69 on the
 10 back of the document bears Bates Numbers MXM SC SEC 549-550. According to the Long
 11 Declaration, LECG found an electronic version of this document; the “Data Source” for the document is
 12 “Folder named CJasper on Archive Back Tape Restore,” the “Date Created” is 3/2/00, and the “Author”
 13 is Carl Jasper. (Ex. C to the Long Declaration at SEC Tab No. 55).

14 33. Attached as Exhibit 70 to this Declaration is a true and correct copy of Deposition
 15 Exhibit 70. Although not evident from the copy of the exhibit provided to the Court, Exhibit 70 on the
 16 back of the document bears Bates Numbers MXM SC SEC 364-65. According to the Long Declaration,
 17 LECG found an electronic version of this document; the “Author” is Jasper_C. (Ex. C to the Long
 18 Declaration at SEC Tab No. 51).

19 34. Attached as Exhibit 71 to this Declaration is a true and correct copy of Deposition
 20 Exhibit 71. Exhibit 71 bears Bates Numbers MXIM-SEC 29051-29074 and MXM SC 43133-43156.
 21 According to the Long Declaration, LECG found an electronic version of the first page of Exhibit 71; the
 22 “Data Source” for the document is “Folder named CJasper on Archive Back Tape Restore,” and the
 23 “Author” is Jasper_C. (Ex. C to the Long Declaration at SEC Tab No. 29).

24 35. Attached as Exhibit 72 to this Declaration is a true and correct copy of Deposition
 25 Exhibit 72. Exhibit 72 bears Bates Numbers MXIM-SEC 29075 and MXM SC 43157. According to
 26 the Long Declaration, LECG found an electronic version of this document; the “Data Source” for the
 27 document is “Folder named CJasper on Archive Back Tape Restore,” and it was “Last Saved By”
 28 Jasper_C. (Ex. C to the Long Declaration at SEC Tab No. 30).

1 36. Attached as Exhibit 73 to this Declaration is a true and correct copy of Deposition
 2 Exhibit 73. Exhibit 73 bears Bates Numbers MXIM-SEC 17201-17203. According to the Long
 3 Declaration, LECG found an electronic version of this document; the “Data Source” for the document is
 4 “Folder named CJasper on Archive Back Tape Restore” and the “Author” is Carl Jasper. (Ex. C to the
 5 Long Declaration at SEC Tab No. 2).

6 37. Attached as Exhibit 75 is a true and correct copy of Deposition Exhibit 75. Exhibit 75
 7 bears Bates Numbers BKH-SEC 7399-7402. According to the Long Declaration, LECG found an
 8 electronic version of the pages numbered BKH-7400-7402; one of the “Data Sources” for those pages is
 9 “Folder named CJasper on Archive Back Tape Restore.” (Ex. C to the Long Declaration at SEC Tab
 10 No. 7).

11 38. Attached as Exhibit 77 to this Declaration is a true and correct copy of Deposition
 12 Exhibit 77. Exhibit 77 bears Bates Numbers MXIM-SEC 88644-45. According to the Long
 13 Declaration, LECG found an electronic version of the text of the letter on MXIM-SEC 88645 beginning
 14 with “I wanted to inform you” and ending with “this late filing will be disclosed in next year’s proxy;”
 15 the “Data Source” for the document is “Folder named CJasper on Archive Back Tape Restore” and the
 16 “Author” is Jasper_C. (Ex. C to the Long Declaration, at SEC Tab No. 13).

17 39. Attached as Exhibit 78 to this Declaration is a true and correct copy of Deposition
 18 Exhibit 78. Exhibit 78 bears Bates Number MXIM-SEC 88643. According to the Long Declaration,
 19 LECG found an electronic version of this document; the “Data Source” for the document is “Folder
 20 named CJasper on Archive Back Tape Restore;” the “Date Created” is 11/25/2002, and the “Author” is
 21 Jasper_C. (Ex. C to the Long Declaration at SEC Tab No. 12).

22 40. Attached as Exhibit 81 to this Declaration is a true and correct copy of Deposition
 23 Exhibit 81. Although not evident from the copy of the exhibit provided to the Court, Exhibit 81 on the
 24 back of the document bears Bates Numbers MXM SC SEC 83-84. The second page of Exhibit 81 also
 25 bears Bates Numbers MXM SC 7555 on the front of the document. According to the Long Declaration,
 26 LECG found an electronic version of the first page of the exhibit (MXM SC SEC 83); the “Data Source”
 27 is “Folder named CJasper on Archive Back Tape Restore;” the “Date Created” is 2/28/03, and the
 28 “Author” is Jasper_C. (Ex. C to the Long Declaration at SEC Tab No. 40).

1 41. Attached as Exhibit 84 to this Declaration is a true and correct copy of Deposition
2 Exhibit 84. Exhibit 84 bears Bates Numbers MXIM-SEC 29012-18.

3 42. Attached as Exhibit 86 to this Declaration is a true and correct copy of Deposition
4 Exhibit 86. Exhibit 86 bears Bates Numbers MXM SC 579-581.

5 43. Attached as Exhibit 89 to this Declaration is a true and correct copy of excerpts of
6 Deposition Exhibit 89. Exhibit 89 contains true and correct copies of excerpts of Maxim's annual report
7 on Form 10-K for the year ended June 24, 2000.

8 44. Attached as Exhibit 90 to this Declaration is a true and correct copy of pages 1-78 of
9 Deposition Exhibit 90. Exhibit 90 is a true and correct copy of pages 1-78 of Maxim's annual report on
10 Form 10-K for the year ended June 29, 2002.

11 45. Attached as Exhibit 91 to this Declaration is a true and correct copy of Deposition
12 Exhibit 91. Exhibit 91 is a true and correct copy of Maxim's annual report on Form 10-K for the year
13 ended June 26, 2004.

14 46. Attached as Exhibit 92 to this Declaration is a true and correct copy of Deposition
15 Exhibit 92 except for exhibits 10.8, 14, 21.1, 23.1 and 23.2 thereto. Exhibit 92 is a true and correct copy
16 of Maxim's annual report on Form 10-K for the year ended June 25, 2005 except for exhibits 10.8, 14,
17 21.1, 23.1 and 23.2 thereto.

18 47. Attached as Exhibit 93 to this Declaration is a true and correct copy of Deposition
19 Exhibit 93. Exhibit 93 is a true and correct copy of Maxim's Form 10-Q for the quarterly period ended
20 September 28, 2002.

21 48. Attached as Exhibit 94 to this Declaration is a true and correct copy of Deposition
22 Exhibit 94. Exhibit 94 is a true and correct copy of Maxim's Form 10-Q for the quarterly period ended
23 December 27, 2002.

24 49. Attached as Exhibit 95 to this Declaration is a true and correct copy of Deposition
25 Exhibit 95. Exhibit 95 is a true and correct copy of Maxim's Form 10-Q for the quarterly period ended
26 March 29, 2003.

1 50. Attached as Exhibit 96 to this Declaration is a true and correct copy of Deposition
2 Exhibit 96. Exhibit 96 is a true and correct copy of Maxim's Form 10-Q for the quarterly period ended
3 September 27, 2003.

4 51. Attached as Exhibit 97 to this Declaration is a true and correct copy of Deposition
5 Exhibit 97. Exhibit 97 is a true and correct copy of Maxim's Form 10-Q for the quarterly period ended
6 December 27, 2003.

7 52. Attached as Exhibit 98 to this Declaration is a true and correct copy of Deposition
8 Exhibit 98. Exhibit 98 is a true and correct copy of Maxim's Form 10-Q for the quarterly period ended
9 March 27, 2004.

10 53. Attached as Exhibit 99 to this Declaration is a true and correct copy of Deposition
11 Exhibit 99. Exhibit 99 is a true and correct copy of Maxim's Form 10-Q for the quarterly period ended
12 September 25, 2004.

13 54. Attached as Exhibit 100 to this Declaration is a true and correct copy of Deposition
14 Exhibit 100. Exhibit 100 is a true and correct copy of Maxim's Form 10-Q for the quarterly period
15 ended December 25, 2004.

16 55. Attached as Exhibit 101 to this Declaration is a true and correct copy of Deposition
17 Exhibit 101. Exhibit 101 is a true and correct copy of Maxim's Form 10-Q for the quarterly period
18 ended March 26, 2005.

19 56. Attached as Exhibit 102 to this Declaration is a true and correct copy of Deposition
20 Exhibit 102. Exhibit 102 is a true and correct copy of Maxim's Form 8-K dated April 29, 2003.

21 57. Attached as Exhibit 103 to this Declaration is a true and correct copy of Deposition
22 Exhibit 103. Exhibit 103 is a true and correct copy of Maxim's Form 8-K dated August 12, 2003.

23 58. Attached as Exhibit 104 to this Declaration is a true and correct copy of Deposition
24 Exhibit 104. Exhibit 104 is a true and correct copy of Maxim's Form 8-K dated October 28, 2003.

25 59. Attached as Exhibit 105 to this Declaration is a true and correct copy of Deposition
26 Exhibit 105. Exhibit 105 is a true and correct copy of Maxim's Form 8-K dated February 5, 2004.

27 60. Attached as Exhibit 106 to this Declaration is a true and correct copy of Deposition
28 Exhibit 106. Exhibit 106 is a true and correct copy of Maxim's Form 8-K dated April 27, 2004.

1 61. Attached as Exhibit 107 to this Declaration is a true and correct copy of Deposition
2 Exhibit 107. Exhibit 107 is a true and correct copy of Maxim's Form 8-K dated August 6, 2004.

3 62. Attached as Exhibit 108 to this Declaration is a true and correct copy of Deposition
4 Exhibit 108. Exhibit 108 is a true and correct copy of Maxim's Form 8-K dated November 1, 2004.

5 63. Attached as Exhibit 109 to this Declaration is a true and correct copy of Deposition
6 Exhibit 109. Exhibit 109 is a true and correct copy of Maxim's Form 8-K dated February 1, 2005.

7 64. Attached as Exhibit 110 to this Declaration is a true and correct copy of Deposition
8 Exhibit 110. Exhibit 110 is a true and correct copy of Maxim's Form 8-K dated May 3, 2005.

9 65. Attached as Exhibit 111 to this Declaration is a true and correct copy of Deposition
10 Exhibit 111. Exhibit 111 is a true and correct copy of Maxim's Form S-8 filed April 12, 2001.

11 66. Attached as Exhibit 112 to this Declaration is a true and correct copy of Deposition
12 Exhibit 112. Exhibit 112 is a true and correct copy of Maxim's Form S-8 filed February 12, 2003.

13 67. Attached as Exhibit 113 to this Declaration is a true and correct copy of Deposition
14 Exhibit 113. Exhibit 113 is a true and correct copy of Maxim's Form S-8 filed February 4, 2005.

15 68. Attached as Exhibit 114 to this Declaration is a true and correct copy of excerpts of
16 Deposition Exhibit 114. Exhibit 114 is a true and correct copy of excerpts of Maxim's annual report on
17 Form 10-K for the year ended June 30, 2001.

18 69. Attached as Exhibit 115 to this Declaration is a true and correct copy of Deposition
19 Exhibit 115. Although not evident from the copy of the exhibit provided to the Court, Exhibit 115 on
20 the back of the document bears Bates Number MXM SC SEC 75. According to the Long Declaration,
21 LECG found an electronic version of this document; the "Data Source" for the document is "Folder
22 named CJasper on Archive Back Tape Restore," the "Date Created" is 8/26/2003, and the document was
- 23 "Last Saved By" Jasper_C. (Ex. C to the Long Declaration at SEC Tab No. 66).

24 70. Attached as Exhibit 117 to this Declaration is a true and correct copy of Deposition
25 Exhibit 117. Exhibit 117 bears Bates Number MXIM-SEC 43751.

26 71. Attached as Exhibit 121 to this Declaration is a true and correct copy of Deposition
27 Exhibit 121. Exhibit 121 is not numbered.

1 72. Attached as Exhibit 125 to this Declaration is a true and correct copy of Deposition
2 Exhibit 125.

3 73. Attached as Exhibit 126 to this Declaration is a true and correct copy of Deposition
4 Exhibit 126. Exhibit 126 bears Bates Number MXIM-SEC 89429.

5 74. Attached as Exhibit 128 to this Declaration is a true and correct copy of Deposition
6 Exhibit 128. Exhibit 128 bears Bates Number MXIM-SEC 6562.

7 75. Attached as Exhibit 129 to this Declaration is a true and correct copy of Deposition
8 Exhibit 129. Exhibit 129 bears Bates Number MXM SC 7866.

9 76. Attached as Exhibit 130 to this Declaration is a true and correct copy of Deposition
10 Exhibit 130. Exhibit 130 bears Bates Numbers MXIM-SEC 3254-255.

11 77. Attached as Exhibit 136 to this Declaration is a true and correct copy of Deposition
12 Exhibit 136. Exhibit 136 bears Bates Numbers MXIM-SEC 3254-255.

13 78. Attached as Exhibit 149 to this Declaration is a true and correct copy of Deposition
14 Exhibit 149. Exhibit 149 bears Bates Number MXIM-SEC 88507.

15 79. Attached as Exhibit 151 to this Declaration is a true and correct copy of Deposition
16 Exhibit 151. Exhibit 151 bears Bates Numbers MXIM-SEC 30505-512.

17 80. Attached as Exhibit 152 to this Declaration is a true and correct copy of Deposition
18 Exhibit 152. Exhibit 152 bears Bates Numbers EY 8413-8420.

19 81. Attached as Exhibit 161 to this Declaration is a true and correct copy of Deposition
20 Exhibit 161. Exhibit 161 bears Bates Numbers MXIM-SEC 25976-78.

21 82. Attached as Exhibit 162 to this Declaration is a true and correct copy of Deposition
22 Exhibit 162. Exhibit 162 bears Bates Number MXIM-SEC 25979.

23 83. Attached as Exhibit 174 to this Declaration is a true and correct copy of Deposition
24 Exhibit 174. Exhibit 174 bears Bates Numbers MXM SC 15381.

25 84. Attached as Exhibit 225 to this Declaration is a true and correct copy of Deposition
26 Exhibit 225.

27 85. Attached as Exhibit 235 to this Declaration is a true and correct copy of Deposition
28 Exhibit 235.

1 86. Attached as Exhibit A is a true and correct copy of excerpts of a proxy statement on
 2 Schedule 14A filed by Maxim on June 25, 2004, as it appears on the Commission's website,
 3 www.sec.gov.

4 87. Attached as Exhibit B is a true and correct copy of closing prices for Maxim stock
 5 downloaded from www.nasdaq.com for the period October 4, 1999, to December 31, 2005.

6 88. Attached as Exhibit C is a true and correct copy of charts produced by Orrick to the
 7 Commission identifying the purported grant dates and prices Maxim used to make quarterly grants of
 8 stock options to its existing rank and file employees. Although not evident from the copy of the exhibit
 9 provided to the Court, Exhibit C on the back of the document bears Bates Numbers MXM SC SEC 766-
 10 776. On or about May 11, 2007, Orrick produced to the Commission an excel spreadsheet detailing
 11 stock option grant information from Maxim's Equity Edge database. The spreadsheet contains
 12 information in the following columns: Name, ID, Num, Grant Date, Shares Granted, Market Value,
 13 Price, Type, Class, Record Added, Record Last Modified, Insider, Director, Officer, and Other Insider. I
 14 reviewed this spreadsheet and noted that it contains the same purported grant dates identified on MXM
 15 SC SEC 766-776.

16 89. Attached as Exhibit D is the Declaration by James Long.

17 90. Attached as Exhibit E are relevant excerpts from Accounting Principles Board
 18 Opinion No. 25, "*Accounting for Stock Issued to Employees*" ("APB 25").

19 91. Attached as Exhibit F is a true and correct copy of a document produced by Maxim
 20 bearing Bates Numbers MXIM-SEC 86220-221.

21 92. Attached as Exhibit G to this Declaration is a true and correct copy of a document
 22 provided to the Commission by LECG in Exhibit D to the Long Declaration. (SEC-MAXIM 175-178).
 23 According to the Long Declaration, the "Data Source" for the document is "Folder named CJasper on
 24 Archive Back Tape Restore." (Ex. C to the Long Declaration at SEC Tab No. 8).

25 93. Attached as Exhibit H is a true and correct copy of excerpts of an annual report on
 26 Form 10-K filed by Maxim on September 30, 2008, as it appears on the Commission's website,
 27 www.sec.gov.

1 94. Attached as Exhibit I is a true and correct copy of the Report of Albert A. Vondra,
2 CPA, CFE, JD, CFF, an expert retained by the Commission in this litigation.

3 95. Attached as Exhibit J is a true and correct copy of excerpts of a proxy statement on
4 Schedule 14A filed by Maxim on August 19, 2004, as it appears on the Commission's website,
5 www.sec.gov. Appendix A has been omitted to reduce the volume of the exhibit.

6 96. Attached as Exhibit K is a true and correct copy of excerpts of a proxy statement on
7 Schedule 14A filed by Maxim on October 7, 2005, as it appears on the Commission's website,
8 www.sec.gov. Appendices A and B have been omitted to reduce the volume of the exhibit.

9 97. Attached as Exhibit L is a true and correct copy of a report published by Merrill Lynch
10 on May 22, 2006, entitled "Options Pricing – Hindsight is 20/20" bearing Bates Numbers ML 1-25.

11 98. Attached as Exhibit M is a true and correct copy of the Expert Report of Howard J.
12 Mulcahey, an expert retained by the Commission in this litigation.

13 99. Attached as Exhibit N is a true and correct copy of a Form 12b-25 filed by Maxim on
14 September 8, 2006, as it appears on the Commission's website, www.sec.gov.

15 100. Attached as Exhibit O is a true and correct copy of a press release issued by Maxim on
16 January 17, 2008.

17 101. Attached as Exhibit P is a true and correct copy of a Form 25 filed by Maxim on
18 October 17, 2007, as it appears on the Commission's website, www.sec.gov.

19 102. Attached as Exhibit Q is a true and correct copy of a press release issued by Maxim on
20 September 30, 2008.

21 103. Attached as Exhibit R is a true and correct copy of Defendant Jasper's Responses to
22 Plaintiff's First Set of Interrogatories.

23 104. Attached as Exhibit S is a true and correct copy of Defendant Carl W. Jasper's
24 Responses to Plaintiff's Second Set of Interrogatories.

25 105. Attached as Exhibit T is a true and correct copy of Defendant Carl W. Jasper's
26 Responses to Plaintiff's Third Set of Interrogatories.

27 106. Attached as Exhibit U is a true and correct copy of Defendant Jasper's Responses to
28 Plaintiff's First Set of Requests for Admission.

1 107. Attached as Exhibit V is a true and correct copy of Defendant Carl W. Jasper's
2 Responses to Plaintiff's Second Set of Requests for Admission.

3 108. Attached as Exhibit W is a true and correct copy of Defendant Carl W. Jasper's
4 Responses to Plaintiff's Third Set of Requests for Admission.

5 109. Attached as Exhibit X is a true and correct copy of Defendant Carl W. Jasper's
6 Amended Responses to Plaintiff's First, Second, and Third Sets of Interrogatories and Responses to
7 Plaintiff's Fourth Set of Interrogatories.

8 110. Attached as Exhibit Y is a true and correct copy of Defendant Carl W. Jasper's
9 Amended Responses to Plaintiff's First, Second, and Third Sets of Requests for Admission and
10 Responses to Plaintiff's Fourth Set of Requests for Admission.

11 111. On or about May 11, 2007, Orrick produced to the Commission an excel spreadsheet
12 detailing stock option grant information from Maxim's Equity Edge database. The spreadsheet contains
13 information in the following columns: Name, ID, Num, Grant Date, Shares Granted, Market Value,
14 Price, Type, Class, Record Added, Record Last Modified, Insider, Director, Officer, and Other Insider.
15 Attached as Exhibit Z is a true and correct copy of an excerpt of that grant spreadsheet. (Identifying
16 June 30, 2003 Grant Dates).

17 112. Attached as Exhibit AA is a true and correct copy of excerpts of the grant spreadsheet
18 described in Paragraph 111. (Identifying October 2, 2001, November 28, 2001, and December 24, 2001
19 Grant Dates).

20 113. Attached as Exhibit BB is a true and correct copy of an excerpt of the grant spreadsheet
21 described in Paragraph 111. (Identifying October 21, 1999 Grant Dates for Maxim's Directors).

22 114. Attached as Exhibit CC is a true and correct copy of excerpts of the grant spreadsheet
23 described in Paragraph 111. (Identifying December 14, 1999 and December 27, 1999 Grant Dates).

24 115. Attached as Exhibit DD is a true and correct copy of excerpts of the deposition
25 transcript of Dr. Martha Carter.

26 116. Attached as Exhibit EE is a true and correct copy of excerpts of the deposition
27 transcript of Anne Chapman.

1 117. Attached as Exhibit FF is a true and correct copy of excerpts of the deposition
2 transcript of Candace Flett.

3 118. Attached as Exhibit GG is a true and correct copy of excerpts of the deposition
4 transcript of Florence Malae.

5 119. Attached as Exhibit HH is a true and correct copy of excerpts of the deposition
6 transcript of Lisa Portnoy

7 120. Attached as Exhibit II is a true and correct copy of excerpts of the deposition transcript
8 of Sheila Raymond.

9 121. Attached as Exhibit JJ is a true and correct copy of excerpts of the deposition
10 transcript of Sandra Wong.

11 122. Attached as Exhibit 28 to this Declaration is a true and correct copy of Deposition
12 Exhibit 28. Exhibit 28 bears Bates Numbers MXIM-SEC 2049-2055.

13 123. Attached as Exhibit 79 to this Declaration is a true and correct copy of Deposition
14 Exhibit 79. Exhibit 79 bears Bates Numbers MXIM-SEC 88511-88513.

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16 I declare under penalty of perjury that the foregoing is true and correct. Executed on October 5, 2009
17 at San Francisco, California.

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20 Erin E. Schneider
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